

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2624**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Donald J. CURRY et al.

Group Art Unit: 2624

Application No.: 10/612,248

Examiner: C. LAROSE

Filed: July 1, 2003

Docket No.: 117297

For: SEGMENTATION METHOD AND SYSTEM FOR MULTIPLE RASTER CONTENT
(MRC) REPRESENTATION OF DOCUMENTS

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 13, 2007 Office Action and in consideration of the January 15, 2008 personal interview with the Examiner, reconsideration of the rejection is respectfully requested in light of the following remarks.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner LaRose in the January 15, 2008 personal interview. Applicants' separate summary of the substance of the interview is contained in the following remarks.

Claims 1-12 are pending in this application. The Office Action rejects claims 1-12 under 35 U.S.C. §103(a) over U.S. Patent No. 6,731,800 B1 by Barthel et al. (hereinafter "Barthel") in view of U.S. Patent No. 7,120,297 B2 to Simard et al. (hereinafter "Simard").

The rejection is respectfully traversed.

Claim 1 recites, among other features, a method for separating an image signal including sub-sampling, by a programmable amount, the initial foreground signal and the initial background signal while ignoring undefined pixels. Independent claims 4, 7 and 10 recite similar features. The combination of Barthel and Simard cannot reasonably be considered to teach, or to have suggested, this combination of features.

The Office Action, on page 4, concedes that Barthel does not teach, nor would it have suggested, sub-sampling, by a programmable amount, the initial foreground signal and the initial background signal while ignoring undefined pixels, as recited in the independent claims. The Office Action relies on Simard to overcome this deficiency of Barthel. See, e.g., Simard at Fig. 1, col. 26, lines 22-43, and col. 27, line 66 - col. 28, line 21. Simard teaches down sample components 724 and 732 that receive images from pixel fillers 722 and 730, and down sample these filled images. However, as the Examiner tentatively agreed during the personal interview, Simard does not teach, nor would it have suggested, sub-sampling foreground and background signals while ignoring undefined pixels, as recited in the independent claims. As discussed during the personal interview, Simard teaches down sampling of filled images, and not sub-sampling that ignores undefined pixels.

For the reasons described above, Simard is not applied in a manner that would overcome the above-identified shortfalls in the application of Barthel to the subject matter of independent claims 1, 4, 7 and 10. Simard fails to disclose sub-sampling an initial foreground signal and an initial background signal while ignoring undefined pixels, as recited in the claims. The advantage of these features are described in Applicants' disclosure in Fig. 15 and in the specification on pages 24 and 25. As such, the asserted combination of Barthel and Simard cannot reasonably be considered to have suggested the combinations of all of the features positively recited in independent claims 1, 4, 7 and 10.

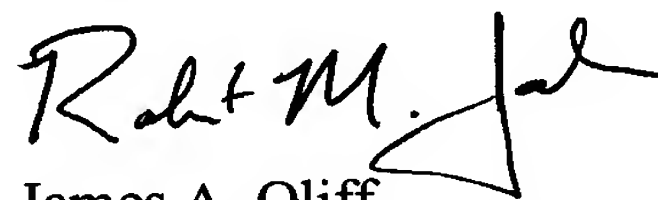
Further, the combinations of features recited in claims 2, 3, 5, 6, 8, 9, 11 and 12 would not have been suggested by the asserted combination of Barthel and Simard based on the respective dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over the asserted combinations of applied references are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Date: January 17, 2008

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